

Senate Bill 327

By: Senators Heath of the 31st, Schaefer of the 50th and Murphy of the 27th

**AS PASSED**

**AN ACT**

To amend Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to retirement allowances, disability benefits, and spouses' benefits under the Teachers Retirement System of Georgia, so as to define certain terms; to provide that a retired teacher who has been retired for at least 12 calendar months may return to full-time employment in certain positions and continue to collect his or her full retirement benefit; to amend Article 4 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to retirement bills, so as to define a term; to provide procedures for certain bills; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 7 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to retirement allowances, disability benefits, and spouses' benefits under the Teachers Retirement System of Georgia, is amended by revising Code Section 47-3-127.1, relating to employment of a retired teacher as a full-time teacher or in other capacities, as follows:

"47-3-127.1.

(a) As used in this Code section, the term:

- (1) 'Classroom teacher' means a certified teacher of pre-kindergarten through grade 12 employed by the public schools who has as his or her sole responsibility the academic instruction of students in a classroom.
- (2) 'Normal service retirement' means retirement at or after the age of 60 with at least ten years of creditable service or retirement with 30 years of creditable service without regard to age.
- (3) 'Retired teacher' means a beneficiary of this retirement system who has been retired on a normal service retirement for at least 12 calendar months.

- (b)(1) A public school system may employ a retired teacher as a full-time classroom teacher, principal, superintendent, media specialist, or counselor and such person shall be subject to the provisions of subsection (c) of this Code section; provided, however, that a retired teacher who retired as a principal may not be employed as a principal in the same school in which he or she was so employed prior to his or her retirement, and a retired teacher who retired as a school superintendent may not be employed as a school superintendent by the same school system in which such person was so employed prior to his or her retirement.
- (2) A regional educational service agency as defined in Code Section 20-2-270 may employ a retired teacher as a full-time improvement specialist and such person shall be subject to the provisions of subsection (c) of this Code section.
- (3) The salary paid to any retired teacher employed under this Code section shall be determined pursuant to an agreement between the retired teacher and the employing school system. No such retired teacher shall receive any further creditable service as a result of such employment and shall in all ways be considered by this retirement system solely as a beneficiary.
- (4) A public school system employing a retired teacher subject to this subsection shall pay all employer and employee contributions to this retirement system as otherwise provided in this chapter; provided, however, that no such retired teacher shall receive any further creditable service as a result of such employment and shall in all ways be considered by this retirement system solely as a beneficiary.
- (c) Any other provision of this article to the contrary notwithstanding, a retired teacher may return to service as a classroom teacher, principal, superintendent, media specialist, or counselor, and such retired teacher's benefits under this article shall not be affected. Any such retired teacher so employed shall not be considered an active member of this retirement system and shall not accrue any additional benefits or further creditable service as a result of such employment and shall in all ways be considered by this retirement system solely as a beneficiary. The provisions of this subsection shall not become a part of the employment contract and shall be subject to future legislation.
- (d) The provisions of this Code section shall be automatically repealed on June 30, 2016."

## **SECTION 2.**

Article 4 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, relating to retirement bills, is amended by revising paragraph (6) of Code Section 47-20-30, relating to definitions, as follows:

"(6) 'Retirement bill having a fiscal impact' means any retirement bill creating or establishing a retirement system and any other retirement bill other than a nonfiscal retirement bill. Such term shall include any bill requiring a public retirement system to divest or refrain from investing in specific investments or classes of investments."

### **SECTION 3.**

Said article is further amended by adding a new subsection to Code Section 47-20-34, relating to the introduction of retirement bills having a fiscal impact and preliminary consideration by committee, to read as follows:

"(d) Any bill requiring a public retirement system to divest or refrain from investing in specific investments or classes of investments may only be introduced as provided in subsection (a) of this Code section and, in addition to the certification of the state auditor required by Code Section 47-20-32, such legislation shall be accompanied at the time of introduction by a statement from the Governor, the Lieutenant Governor, or the Speaker of the House of Representatives describing the primary goal the bill is designed to achieve. Such bill shall also have attached at the time of introduction a fiscal analysis from each public retirement system affected stating the cost of compliance with the legislation and the anticipated annual fiscal losses which will be incurred as a result of complying with the legislation."

### **SECTION 4.**

This Act shall become effective on July 1, 2008, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2008, as required by subsection (a) of Code Section 47-20-50.

### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.